

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

13-M-108-HKS

UNITED STATES OF AMERICA,

v.

NOTICE OF MOTION

SALVATORE TANTILLO,

Defendant.

MOTION BY:

John Humann, Senior Litigator.

DATE, TIME & PLACE:

Before the Honorable H. Kenneth Schroeder, Jr.,
United States Magistrate Judge, United States
Courthouse, 2 Niagara Square, Buffalo, New York,
**on August 12, 2013 at a time to be set by the
Court.**

SUPPORTING PAPERS:

Affirmation of John Humann, dated
July 30, 2013.

RELIEF REQUESTED:

Release of defendant with electronic monitoring.

DATED:

Buffalo, New York, July 30, 2013.

/s/ John Humann

John Humann
Senior Litigator
Federal Public Defender's Office
300 Pearl Street, Suite 200
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(716) 551-3341, (716) 551-3346 (Fax)
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Attorney for Defendant Salvatore Tantillo

TO: Marie P. Grisanti
Assistant United States Attorney

Jaclyn S. Sainsbury
United States Probation Officer

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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13-M-108-HKS

v.

AFFIRMATION

SALVATORE TANTILLO,

Defendant.

JOHN HUMANN, affirms under penalty of perjury that:

1. I was assigned to represent Mr. Tantillo on July 19, 2013.
2. Mr. Tantillo is charged in a variety of different ways, but basically, it is alleged that he had sex with a 16-year-old and took some pictures of her.
3. The facts could support a production of child pornography charge which would carry a 15 year minimum. That is the most serious of the charges.
4. Mr. Tantillo cooperated fully with the government.
5. Mr. Tantillo supports his girlfriend and his three-month-old baby. He has been steadily employed at the same company for the past seven and a half years.

6. When the parties last appeared before this Court, the Court gave the government until July 25, 2013, to complete the investigation. Counsel has been informed by the government that there are no photographs of prepubescent children on the defendant's phone. There is some indication that the defendant engaged in sexual acts with a high school graduate that was 17 years old.

7. Counsel appeared before Magistrate Judge McCarthy on July 26, 2013. Judge McCarthy ruled against the application without prejudice to re-apply to Judge Schroeder.

8. I have been informed that his job has not been taken away. The managers will want to talk to Mr. Tantillo, but he has not yet been terminated, and very likely will not be terminated. If he is let go, he has two other opportunities for work.

9. If released, he can stay with his father. Probation had a problem because there were guns in the house. The guns are gone. There was a question about the defendant's stepmother. Those issues are easily cleaned up.

WHEREFORE, it is respectfully requested that the Court schedule an appearance on August 12, 2013, and grant the defendant's request for release on whatever conditions the Court deems reasonable.

DATED: Buffalo, New York, July 30, 2013.

Respectfully submitted,

/s/John Humann

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UNITED STATES DISTRICT COURT
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SALVATORE TANTILLO,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on **July 30, 2013**, I electronically filed the foregoing with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

1. Marie P. Grisanti
Assistant United States Attorney
Western District of New York
138 Delaware Avenue, Federal Centre
Buffalo, New York 14202

And, I hereby certify that I have e-mailed the document to the following non-CM/ECF participant(s).

2. Jaclyn S. Sainsbury
United States Probation Officer
U.S. Probation Department
U.S. Courthouse
2 Niagara Square
Buffalo, New York 14202

/s/ Joanne Sabatino
Joanne Sabatino, Legal Secretary
Federal Public Defender's Office